Asia Pacific Labour Law Review

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Workers' Rights for the New Century

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A Review of Indonesian Labour Law

By Rita O Tambunan, Surya Tjandra, and Jafar Suryomenggolo

Introduction

On paper, the Indonesian workers have the explicit guarantee of the state's protection of their fundamental rights. The first recognition of the protection of workers' rights in Indonesian labour law was established in Law No. 33/1947 on Safety at Workplace. It was during the so-called 'Old Order' (pre-Soeharto) era until 1965. During the Old Order the regime was quite active in promoting the protection of workers' rights. History also records that the New Order era (1965-1998, Soeharto) produced some regulations establishing some labour standards.

Then with the spirit of *Reformasi*, since mid-1998, the new Government after Soeharto's regime enacted several international labour standards into national labour policy. Since 1999, Indonesia has become one of the few Asian countries to ratify all eight fundamental International Labour Organisation (ILO) conventions: Convention No. 87 on the Freedom of Association and Protection of the Right to Organise (Presidential Decree No. 83/1998); Convention No. 98 on the Principles of the Right to Organise and to Bargain Collectively (ratified through Law No. 18/1956); Convention No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal

Value (Law No. 80/1957); Convention No. 105 on the Abolition of Forced Labour (Law No. 19/1999); Convention No. 29 on Forced or Compulsory Labour (Staatblad No. 261/1933);[1] Convention No. 111 on Discrimination in Respect of Employment and Occupation (Law No. 21/1999); Convention No. 138 on Minimum Age for Admission to Employment (Law No. 20/1999); and Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Law No. 1/2000).

However, there is a huge problem of implementation. As a country with a civil law system, in Indonesia 'law' means statutes and regulations based on the hierarchy of law. The highest level is law that is made with the agreement of the House of Parliament. The implementation of law in Indonesia, most of the time, is based on the current government's interpretation of the laws. Then there are regulations in the hierarchy - government regulations, presidential decrees, and Minister of Manpower decrees. These are regulations that will be guidelines to implement the laws. Likewise, the term 'Indonesian labour law' rather resembles statutes and regulations, because judicial and administrative decisions are rarely considered as the actual source of law.

This chapter will give an overview of the development of Indonesian labour law since the beginning, and an analysis of the effectiveness of its implementation in the current situation. It starts with a brief history of the development of Indonesia's labour law. It shows how colonialism has nothing to do with the development of labour law in the country. The protection of workers' rights under the recent labour law and how it has been developed, particularly since the economic crisis in 1997, will be discussed. Factors such as the global labour market regime and its impact on Indonesia and national labour policy will be considered, as well as the examination of some major events that occurred over issues related to the labour laws. Lastly, there will be a brief discussion on the recent struggle to restructure labour law.

Labour in early Indonesia

In early Indonesia, the law that regulated the exchange of personal service or services for remuneration had no social and cultural bases. Paid labour, as a means of subsistence known in the modern age, did not fit at all in the pattern of early Indonesian social relationships.[2] 'Labour' meant either a contribution to collective participation or a traditional service performed for the authorities. Paid labour was introduced after the Dutch colonialists arrived in Indonesia. In 1849 when paid labour was needed to develop harbour and defence work in Surabaya, East Java, it was quite successful, as the Government ordered all government buildings to be constructed with paid labour. However, it was only short-lived. The intensive exploitation of the colonialists demanded more labour, '… which could be most readily be met by using the available Javanese farmers for unpaid compulsory services under the traditional feudal system'.[3]

Most of the early forced labourers, also known as coolies, worked in plantations. With a combination of feudalism and paternalistic attitudes prevalent among the indigenous agrarian society and colonial coercion, it was evident that the coolies in plantations practically experienced the conditions of slavery. It was also noted that in order to keep the coolies, the colonial government applied a system of 'free contract' that deprived the labourer of freedom.

'According to this system the recruited worker was to engage himself by contract for a period of some years. A 'penal sanction' was in force … labourer violating his contract was liable to punishment. A labourer running away from his plantation could be arrested by the police and, after undergoing a prison sentence, be forced to fulfil his contract to the end. The plantation also had various other means to induce the labourer, at the end of his term, not to return to his homeland. By encouraging gambling on pay day, saving on part of the workers was hampered. … when his contract expired, [he] was so deep in debt that he had no choice but to sign a new contract.' [4]

The coolies were not only losing social ties with their home country, but also were isolated, weak, and powerless individuals. The plantation management used different methods to prevent them from developing a new solidarity. 'Foremen were played off against the common coolies, Javanese against Chinese, the indigenous Bataks and Malays against both groups.' The strict penal sanction made strikes impossible and thus blocked the development of trade unionism.

However the measure of freedom was there, especially when coolies worked in more modern environments such as mining, industry, and transport.

The trade union movement was started by railway workers, although it was first limited to European workers.[5] Later on, it was said that labour movement also had a role in the Indonesian independence movement when the country proclaimed independence in 1945.[6] Nevertheless, the very system of labour law, in the sense of law that protects workers, never really developed, at least not until independence.

Origins of labour law

Labour law is a relatively new phenomenon for Indonesia. It was not until after independence, with the enactment of Law No. 33/1947 on Safety at Workplace 1947 that the country had a labour law. Before that, the regulation concerning the relationships between employer and employee was ruled under Article 1601 of the Dutch colonial Civil Code. This regulation concentrated on regulating private contracts between the parties, and applied only to the Dutch and other European people in the 'East Indies' (Indonesia under Dutch colonialism).

Later, Law No. 12/1948 on Workers' Protection, and Law No. 23/1948 on the Labour Inspectorate were enacted. Law No. 12 covers many aspects of labour protection, even the obligation of the employer to provide workers' housing. Law No. 12 has become the prime labour act. Although there was no record regarding the enforcement of those three Laws during the revolutionary fight (1945-1949), they became the foundation of modern Indonesian labour law. The laws eradicated colonial law and further gave basic legal protection for workers with an active role of the state in protecting workers.

In 1951, Law No. 16/1951 on Labour Dispute Settlement was enacted. The Law was introduced to protect the workers' right during any industrial dispute with a tripartite system under government mediation. This Law established a dispute settlement system. It intended to give more protection to workers who could be easily sacked by the employers due to the lack of a formal dispute settlement system. Using this same law, the military however, prohibited industrial strikes in the name of 'national security' due to the ustable political situation at that time.

Though industrial strikes were restricted, labour unions grew rapidly. The emergence of strong labour unions at that time was closely related to the enactment of Law No. 21/1954 on the Rights of Labour Union to Bargain Collectively. The Law gave labour unions a relatively stronger position in dealing with the employers and the state. The unions also became effective tools to attract people's support due to the political climate at that time with the emergence of mass-based political parties.[7] Six years later, the trade unions pushed the Parliament to eradicate this Law and promulgated Law No. 22/1957 on Labour Dispute Settlement.[8] Law No. 22/1957 and the following Law No. 12/1964 on Dismissal in the Private Companies then became pillars of protection for workers.

Workers' rights in recent labour law

As mentioned above, workers' rights are theoretically fully guaranteed by the state. Various labour laws are impressively designed in accordance with international standards and grant an extensive range of fundamental workers' rights. Take for example the issue of worker's welfare while s/he is bound in a working relationship. Law No. 12/1948 established the protection of his/her rights to 40 hours per standard week (eight working hours per day for five working days or four seven-hour days plus six five-hour days) with 30-minute breaks every four working hours. For overtime work the employer is obligated to provide good working conditions and a healthy food supplement for the workers, as well as pay the regulated additional payment for every hour. Overtime must not exceed the total 54 hours per week. Workers have 12 annual paid holidays as well as the right to three months' paid holiday for those who have worked for six years continuously.

The social security system is regulated by Law No. 3/1992. Labour law operates through a sole government-owned company to give benefits including pension scheme and additional financial coverage for pregnancy, injury, sickness, and death. The employer is obliged to cover all social security systems for each worker. Except for the pension scheme the workers should contribute two percent of wages per month while the employer pays the rest. Any employer with at least

10 workers and/or salaries of Rp one million per month is obliged to comply with this system.

During the New Order era, the government enacted Regulation No. 8/1981 on Wage Protection. The regulation established equal pay for equal work regardless of the sex of the workers. Since then, the government has set up the regional minimum wage standard through a Minister of Manpower decree. It was changed every two years, but nowadays it is changed every year. In appearance the regulation should protect workers' right to fair wages. However, it is suspected that the policy was aimed at attracting foreign investment rather than protecting working conditions. Before the policy was introduced, the wage situation fluctuated greatly. So by this policy, the government introduced the standard wage. In practice, this policy has made many employers implement only the bottom line of minimum wage standards. As a result, there are many labour disputes with workers demanding wages above the minimum or, even more seriously, just demanding implementation of the minimum standard.

Recently Law No. 21/2000 on Trade Unions formally establishes recognition of trade union rights. Before this, there was a fake recognition. Although the sate ratified ILO Convention No. 98, during the New Order regime, there was a strict policy on freedom of association. The government recognised only one union, All Indonesia Labour Union (SPSI). Minister of Manpower Regulation No. 01/1975 on The Registration of Workers' Organisation, and Minister of Manpower Regulation No. 03/1993 established strict conditions for unions to be recognised. Unions that cannot meet this Decree's requirements is considered as illegal and therefore banned. The well-known case of trade unions rights violation was the Indonesia Prosperity Trade Union (SBSI) case. When the union emerged 1992, the government immediately announced that the SBSI was an illegal trade union and put its leader Mochtar Pakpahan in jail on a political crime charge. Another example concerned the Centre for the Struggle of Indonesian Workers (PPBI) with Dita Indah Sari as its leader. She was arrested in a peaceful workers' demonstration in 1996 in Surabaya for causing labour unrest. Later in court she was sentenced to four and a half years in jail for 'subversion', the worst political criminal offence inherited from the oppressive colonial legal system.

After Habibie's government ratified ILO Convention No. 87 in 1998, the government gradually was pushed to recognise unions other than the SPSI. The workers responded by forming independent trade unions. It is a vast development, as recently there are at least 63 trade unions at national level registered in the Department of Manpower, some of them are quite independent. In August 2000, the Law No. 21/2000 came into force, recognising trade union rights, such as the right to collective bargaining, the right to represent its members in dispute, and the right to strike - both to pressure management during negotiations, and for solidarity with other workers' fights for justice. The Law even explicitly recognises the union leaders' right to lead fellow members to strike. Any violation of trade union rights or its members rights are criminal acts with a maximum penalty of five years in jail or maximum fine of Rp 500 million.

There is also protection for women workers' rights. Law No. 80/1957 prohibits gender discrimination of wages for workers for work of equal value. Law No. 12/1948 grants three months maternity leave with full salary. It also guarantees a two-day menstruation leave whenever it is necessary. As the state has ratified the United Nations' Convention on the Elimination of All Forms of Discrimination against Women with Law No. 7/1984, women workers' rights at work are legally backed. Again, there is a critical problem in guaranteeing women workers' rights, for example womens' wages are usually lower than men's. The common excuse is that women are not the main breadwinners in the families - a senseless excuse but effective in the generally patriarchal culture in Indonesia.

Dispute resolution

Law No. 22/1957 and Law No. 12/1964 set the guarantee on workers' job security. These laws say that it is the employers' obligation to prevent dismissals, so restricting the employers' right to terminate workers. The laws require an employer to get written authorisation from the Labour Dispute Settlement Panel (Panitia Penyelesaian Perselisihan Perburuhan, known as P4), a tripartite body of unions, employers' association, and the Ministry of Manpower, whenever it wants to dismiss worker(s), otherwise dismissals are null and void.

There is absolute prohibition against dismissal on several grounds. Workers cannot be dismissed on grounds of discrimination against workers' tribe, race, marital status, sex, religion or political belief. The system also guarantees that workers shall still work and be paid during dispute resolution.

The dispute resolution system under those laws was recognised as a simple, cheap, fast, and efficient system as it was relatively informal, quite representative, and enabled workers and unions to present their cases in a less formal procedure. Whenever labour disputes arise, the workers and/or the union and the employer shall negotiate. If there is no solution and the parties do not intend to find a professional arbiter's assistance, the party/ies) shall ask the local officer from the Manpower Department to mediate. If the written suggestion is not approved by the party/ies, then they will go to P4. The Panel, acting as a compulsory arbitration body, will then decide, having judicial power similar to the courts.

However, the interpretation of Law No. 5/1986 on The Administrative Court makes any parties to sue the decision of P4 in High Administrative Court. If any parties are not satisfied with the Administrative Court's decision then they can appeal to the Supreme Court. This means the proceedings are no longer simple, cheap, fast, and effective, for once a case goes to the Court, the decision usually takes months, even years.

Despite criticism regarding effectiveness, it is argued that the recent system provides a 'cheap and fast' labour dispute settlement mechanism through 'compulsory arbitration.' The Panel gives relatively strong protection to workers, individually and collectively.[9] The idea of protection seems to be dominant in this particular Indonesian labour law. It has been proven that during the worst of the economic crisis in 1997-1998, such laws have helped withhold a flow of massive dismissals. In many ways, these Laws have evidently become the refuge for arbitrary dismissals while the Government seems powerless to protect its own people. Unfortunately, the Indonesian Government wants to change it. The need of flexible labour market enhancing 'the legal business-friendly environment' caused the Government to start labour law reform programmes in 1998. The economic crisis that damaged Indonesia and some other South-East Asian countries has further accelerated this.

Dispute resolution case history one

Muhajir is one example among many who became a victim of the interpretation of Law No. 5/1986. In November 1993, Muhajir was a worker in PT Chiquita Talonpas in Tangerang, West Java, producing clothes' zippers for export mainly to European countries such as Germany and Italy. Muhajir was arbitrarily dismissed due to organising a plant-level trade union. The employer asked for written authorisation to dismiss him for lack of discipline. In May 1994, the P4 refused the request and ordered the company to reinstate Muhajir. As the decision was not implemented, at the end of 1994, the director of PT Chiquita Talonpas was sentenced for three months in jail for not obeying the P4's decision. He appealed to the High Court and then went on to the Supreme Court that released him from the sentence in 2002. Muhajir did not give up, he went to the Civil Court filing a request to confiscate the employer's possessions to pay his salary, which had not been paid since 1993. In Indonesian law, this is allowed as the P4's ruling is considered to have the same legal power as a court's decision. There is still no fixed court decision, as the case is still with the Supreme Court. Muhajir is still fighting for his rights with the legal assistance of non-governmental organisation (NGO) Lembaga Bantuan Hukum Jakarta (LBH Jakarta, Jakarta Legal Aid Institute).

Dispute resolution case history two

Another case is the unfair dismissal against 590 Shangri-La Hotel workers. The case began in December 2000 when the Hotel suddenly suspended and would dismiss the chairman of the union saying that he caused defamation against the General Manager. He was suspended in the middle of negotiations between the Hotel and the union about service charges and pension plans. This caused the union members to protest. The employees were then was locked out for about three months, and the manager filed a case with the P4 against the 590 workers to be dismissed for holding an illegal strike. The P4 granted permission saying that there would be no harmony in the working relationship anymore. Fortunately, the High Administrative Court overturned the P4's ruling saying that there was no good evidence of an illegal strike. The hotel owners and P4 appealed; the Supreme Court is still examining the case.

Labour law reform programme: workers' rights versus economic development

Before economic crisis hit Indonesia in 1996, the World Bank evaluated the Indonesian labour law saying that 'the workers are overly protected' and that 'the government should stay out of industrial disputes' (*Jakarta Post*, 4 April 1996). This statement was released to create 'industrial harmony between workers and employers' due to increasing labour unrest in the country that in the World Bank's opinion was not favourable for business and investments. The Government then responded to the 'warning' by introducing a new draft on labour law which Parliament agreed to be Labour Law No. 25/1997. This Law was supposed to replace all the existing labour laws and labour regulations in the country. The Law was also meant to change the dispute settlement system by replacing the P4 with a so-called 'labour court', using a system which relied more on civil law rather than administrative law as before. This means that the employers can dismiss workers easier as they do not need written authorisation from P4. The Law was strongly criticised by many labour groups and NGOs. As a result, the implementation of the Law was delayed until October 2002.

After financial crisis hit Indonesia in 1997, according to the ILO, in 1999 the financial crisis had added 10 million new unemployed people in the region.

Bali market (Credit: Eugene Kuo)

In year 2000, about 100 million people in Thailand, Malaysia, Indonesia, and the Philippines were living on less than US$1 per day. The figure had dramatically risen from 40 million in 1997. The financial crisis caused the Soeharto New Order to lose legitimacy; the economic achievements with almost seven percent economic growth a year since the 1970s vanished in days. The *Reformasi* movement then forced Soeharto to step down after 32 years in power.

The next president, Habibie, and Soeharto's Vice President, ratified ILO Convention No. 87 in June 1998 by Presidential Decree. It was considered a bizarre move as the ratification of international convention can only be made with the agreement of the Parliament. It appeared that Habibie was trying to grab sympathy from the *Reformasi* movement by changing the image of authoritarian government. Protest from the labour movement, a part of the *Reformasi* movement, was countered by that 'fake' ratification. However, the Habibie government's effort was not supported by any empirical evidence in the implementation of the convention. The SPSI, the only labour union recognised at that time, was still controlled by the government and even refused to join the *Reformasi* movement.

In August 1998, the government welcomed the ILO 'Direct Contact Mission' to evaluate the Indonesian labour law and drafting a programme on labour law reform. The objective of the programme was: 'The labour law reform programme generally covers the review, revision, formulation, or reformulation of practically all labour legislation with a view to modernszing and making them more relevant to and in step with the changing times and requirements of a free market economy.'[10]

By September 1998 the Ministry of Manpower adopted the 'Labour Law Reform Programme' as its formal working agenda. Since then, the government i.e. the Department of Manpower, with the ILO's assistance, has drafted labour bills covering trade unions (now Law No. 21/2000), the Industrial Dispute Settlement, and Manpower Guidance and Protection. As the NGOs stepped up pressure on the migrant workers' issue, the government is also working on the Migrant Workers Protection bill.

Impact of the labour law reform programme

The most obvious impact of the labour law reform programme is probably the abolition of the notion of 'protection' from the Indonesian labour law system. As explained above, the protection for workers from capitalist enterprises is ruled through labour laws, in particular Law No. 22/1957 and Law No. 12/1964. These laws seem to be the main target now since they have 'overly protected' workers, and therefore have restrained economic efficiency. Labour flexibility is now key, and 'individualisation' of labour relations is the major theme in this programme.

Another possible impact is that labour relations between workers and employers, will become a relationship between 'individuals'. The parties are 'free' to have their own agreements on how to 'regulate' their relationship through contract of employment. This is obviously deceptive. More than a century ago, Hugo Sinzheimer (the 'founding father' of labour law) had warned about what he called 'mystification' in contract of employment. Sinzheimer was of the opinion that there is no such thing as 'contractual equality' between employees and employers.[11] He believed that the relationship was in fact a 'power-relation' of domination and subordination, by which labour law came into its own as a new discipline by rejecting the liberal assumption that the contract of employment is a product of the parties' autonomous choices. This then became the basic notion of labour law as we know it today. Therefore, one can say that the labour law reform programme is going to take Indonesian workers back to an ancient situation that existed even before labour law came to life!

These impacts might challenge the very notion of 'labour law' itself and, even further, destroy legislative protection for workers. Some might argue that the lesser the legislative protection for the workers the more the workers should depend on themselves through labour unions and thereby bring advantages. However, the recent labour law reforms programme is not coming from genuine government initiative for improvement, instead, it is a result of international pressure that do not necessarily suit the interests of Indonesians. Because of the 'international nature' of this pressure, it might be more difficult for Indonesian workers to challenge. It is true that labour law may not replace workers' collective power. Nevertheless, while there is a relatively weak trade unionism due to the repression of labour unions during the New Order, labour law still has a possible role to reveal the existing domination and subordination problems in society, and to transform it towards more democratic and egalitarian directions.

The recent struggle to restructure labour law

The evidence above shows the government's effort to pass two labour bills on the Industrial Dispute Settlement and the Manpower Guidance and Protection. The drafting process of these bills was seemingly secretly discussed as workers generally do not know who made the drafts and on what grounds there should be new labour laws. The House of Parliament did not open any discussions with the trade unions or labour NGOs. The bills come into force in November 2002 regardless of workers' protests against them.

The *Komite Anti Penindasan Buruh* (KAPB – Anti-Repression on Workers Committee), papers before Parliament in November 2000 and June 2002, stated that the idea behind the government's effort to pass these labour bills is to change the current labour law systems towards more flexible labour regulations, favouring the interests of business and foreign investors by surrendering workers' fate to the market mechanism.[12]

The Industrial Dispute Settlement bill will replace Law No. 22/1957 and Law No. 22/1957. The bill will totally change the labour dispute settlement system. The main concept of the bill is the 'individualisation' of the labour relationship, abandoning state responsibility to protect workers. It will abolish the government's responsibility to be actively involved in labour dispute settlement, a responsibility that is currently recognised through the obligation to provide compulsory arbitration through P4. It will also abolish the employer's obligation to get written authorisation if it wants to dismiss workers. All labour disputes shall be brought unconditionally before the labour court, a system enacted to replace the Tripartite Committee. The role of the government will be limited to act only as a voluntary mediator at the request of both disputing parties. Moreover, unlike labour courts in many Asian countries arranged as a tripartite tribunal, the bill will set up labour court under the recent judicial system. This is a senseless idea as it is well known that the judicial system itself is

still struggling with huge problems of KKN (*Korupsi, Kolusi, Nepotisme:* corruption, collusion, and nepotism).[13]

The Manpower Guidance and Protection bill has similar notions. The idea of privatising labour relations is very strong in this bill. The articles on contractual workers and workers' right to strike are two examples. The bill describes the relationship between contractual workers and the employer as a private matter. Under the recent regulations, contractual work is limited to non-permanent types of work and can only be for three years maximum. The government has an obligation to protect contractual workers, as they are considered more vulnerable than permanent workers, by written contractual agreement that is reviewed by officials. Such protection will be abolished when the bill comes into force. On the other hand, there are strict conditions controlling the right to strike. Only registered unions can conduct strikes. The union is obliged to formally inform the Ministry of Manpower seven days in advance of action, and attach the names of members that will take part in the strike. The strike can only be conducted to put pressure on the employer during a labour dispute while a solidarity-strike (sympathy-strike) is now prohibited. Picketing during a strike is also prohibited. Any violations can bring the union leaders to face a maximum of four years in jail and a maximum fine of Rp 400 million.

Closing remarks

Similar to many other countries in the world, particularly since the emergence of so-called 'economic globalisation', Indonesia faces two competing conceptions of labour law. On one hand, labour law should protect the fundamental workers' rights. On the other hand, labour law has been treated as a tool of promoting economic efficiency. The two conceptions contradict each other.

Although in theory recent labour law is in favour of workers, bad implementation is permitted for the sake of economic development. The collapse of the New Order in May 1998 has driven much change in the legislation of Indonesian labour law, but not in the implementation. The burden of heavy foreign debt has pushed the government to give up power to globalisation agents. The current protective labour law is predicted to adapt to the global market. The situation in this *Reformasi* era seems likely to worsen the workers' situation: less protection and more vulnerability.

Notes

1. ILO Convention No. 29 ratified by the Dutch colonial government and enacted in Indonesia in 1933.
2. W F Wertheim, 'Indonesian Society in Transition: A Study of Social Change', (The Hague-Bandung, W. van Hoeve Ltd., 1956, p.236).
3. *Ibid*. (p. 242).
4. *Ibid*. (p. 250-251).
5. John Ingleson, 'Worker Consciousness and Labour Union in Colonial Java,' in *Pacific Affairs,* vol. 54, no. 3, (1981, p. 485-501).
6. For more details see S K Trimurti, 'Hubungan Pergerakan Buruh Indonesia dengan Pergerakan Kemerdekaan Nasional', (Jakarta, Yayasan Idayu, 1980).
7. For more details see Vedi Hadiz, 'Workers and the State in New Order Indonesia and The Politics of Economic Development in Indonesia', (London, Routledge, 1999).
8. Iskandar Tedjasukmana, 'The Political Character of the Indonesian Trade Union Movement', (Ithaca, Cornell University, 1958).
9. The Panel tends to 'fight against itself', in the sense that in fact it fights against those whom it should serve: the workers and the employers. He concludes that the ineffectiveness of the Panel is more because its corrupt officials and lack of discipline in making decisions, not because the system itself. See James J Gallagher, 'Indonesia's Labour Relations Dispute Resolution Process, a Base Line Study', (USAID, 1994).
10. ILO, 'Demystifying the Core Conventions of the ILO through Social Dialogue: The Indonesian Experience', (Jakarta, ILO Jakarta Office, 1999, p.19).
11. Otto Kahn-Freund, 'Labour Law and Politics in the Weimar Republic', (Oxford, Basil Blackwell, 1981, chapter 2).
12. KAPB is one dominant coalition of labour groups consisting of 40 trade unions at national, regional, and local level, plus 15 NGOs. It was created based on a common concern about national labour policy, address: LBH Jakarta Office, Jl. Diponegoro 74, Jakarta 10320, Indonesia.
13. S Deery and R Mitchell (eds.) Labour Law and Industrial Relations in Asia: Eight Country Studies. (Melbourne, Longman Cheshire, 1993).

Appendix

Some national level trade unions

No.	Union	Name of President	Address	Contact details
1	SPSI (Serikat Pekerja Seluruh Indonesia)	Syukur Sarto	Jl. Raya Pasar minggu Km 17 No.9, Jakarta 12740	Tel. 021-7974359, 7988212 Fax. 021- 7974361 syukurst@centrin.net.id
2	Fokuba (Federasi Organisasi Pekerja Keuangan dan Perbankan Indonesia) Federation of Financial and Banking Workers' Organisation	Kodjari Darmo	Jl. Tebet Dalam IV No.5, Jakarta 12810	Tel. 021-8355363 Fax. 021-83555363 fokuba@indo.net.id
3	KBM (Kesatuan Buruh Marhaen) The Unity of Marhaen Workers. (note: Marhaen is Soekarno's –the 1st Indonesian president—doctrine)	Manganar Pasaribu	Jl. Percetakan Negara XI/131B Jakarta Pusat	Tel. 021-42878672
4	ASPEK Indonesia (Asosiasi Serikat Pekerja) Indonesian Association of Trade Unions. It is affiliated to UNI.	Indra Tjahja	Jl. Tebet Dalam III No. 29, Jakarta 12810	Tel. 021-8303040 Fax. 021-8308310 aspek@cbn.net.id
5	GSBI (Gabungan Serikat Buruh Independen) The Federation of Independent Trade Union	Asmawi	Jl. Pulo Asem Utara III No.20, Jakarta 13220	Tel. 021-4700625 Fax. 021-4897959 gsbi@indosat.net.id
6	FSP-BUMN (Federasi Serikat Pekerja Badan Usaha Milik Negara) Federation of State-owned Companies workers' union	Bambang Syukur	Gedung Garuda lantai 17, Jl. Medan Merdeka Selatan no. 13, Jakarta Pusat	Tel. 021-2311831 Fax. 021-2311831 fspbumn@hotmail.com
7	SBMSK (Serikat Buruh Merdeka Setia Kawan) *Independent Solidarity Trade Union*	Saut Aritonang	Jl. Kramat II no. 15, Jakarta Pusat	Tel. 021-31905731
8	SBSI (Serikat Buruh Sejahtera Indonesia)	Muchtar Pakpahan	Desa Jeujing, Kecamatan Cisoka, Banten.	Tel. 021-5993070 sbsi@pacific.net.id
9	SBMNI (Solidaritas Buruh Maritim & Nelayan Indonesia) The Solidarity of Indonesian Maritime Workers and Fishermen	Martin Sirait	Jl. Tongkol No. 4 A2 Tanjung Priuk, Jakarta	Tel. 021-43911684 Fax. 021-43912073
10	FNPBI (Front Nasional Perjuangan Buruh Indonesia)	Dita Indah Sari	Jl. Rawajati Timur II no. 8, RT 02/02, Kalibata Timur, Jakarta 12750	Tel. 021-7995917 fnpbi@iname.com
11	GSBM (Gabungan Serikat Buruh Mandiri) The Federation of Independent Trade Union	Natalia	Jl. Sindang Raya no. 16, Jakarta 13220	Tel. 021-4890366 Fax. 021-47866714

12	AJI (Aliansi Jurnalis Independen) *The Alliance of Independent Journalists*	Ati Nurbaiti	Jl. PAM Baru Raya No. 16 Pejompongan, Jakarta.	Tel. 021-5711044
13	FSPM (Federasi Serikat Pekerja Mandiri) The Federation of Independent Trade Unions. It is affiliated to IUF.	Isep Saepul Mubarok	Jl. Budi Sari I No. 15 Bandung 40141 Jawa Barat	Tel. 022- 2035715
14	FSBKU (Federasi Serikat Buruh Karya Utama) The Federation of Karya Utama Trade Union	Dwi Agustin	Jl. Kalimantan blok B no. 78, Perum Cimone Mas Permai I, Tangerang, Banten.	Tel. 021-5517764
15	SPTSK Reformasi (Serikat Pekerja Tekstil, Sandang, Kulit) *The Textile, Clothes, Leather Workers' Union*	Rustam Aksan	Gedung Fortuna lantai 4, Jl. Mampang Prapatan Raya No.96, Jakarta 12790	Tel. 021-7990289